

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 10, 2001

H020661 PEOPLE v. PIMENTEL

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)  
Filed December 10, 2001

H021130 LAICO, et al. v. ATLANTIC RICHFIELD COMPANY, et al.

The trial court's order granting summary adjudication as to the 1982-1986 exposure is affirmed. The trial court's order granting summary adjudication as to the causes of action arising out of Laico's 1991-1997 exposures is reversed. The parties shall bear their own costs on appeal. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)  
Filed December 10, 2001

TUESDAY, DECEMBER 11, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P. J.; Elia, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H021418 PEOPLE v. GARCIA

Cause called and argued by Carlo Andreani appearing for Appellant and by John R. Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021970 AINOM v. SERRA RESIDENTIAL CENTER, INC..

Cause called and argued by Suzanne Norton appearing for Appellant and by Derek Woodhouse appearing for Respondent. Cause ordered submitted.

H021954 CHATMAN v. COUNTY OF SANTA CLARA, et al.

Cause called and argued by Tyree Preston Jones appearing for Appellant and by Kathryn J. Zoglin, Deputy County Counsel, appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, December 11, 2001 (continued)

H021263 BHARDWAJ v. 24-HOUR FITNESS, INC.; BODY MASTERS SPORTS INDUSTRIES, INC.

Cause called and argued by James Quadra appearing for Appellant Rajan Bhardwaj and by Jack Clifford Nick appearing for Respondent. There is no appearance for appellant Body Masters Sports Industries, Inc. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

H020953 LIN v. LEE

Cause called and argued by Shirley Lee appearing in propria persona and by Stanley K. Yim appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench and Mihara, J. takes the bench.

H021375 PEOPLE v. TON

Cause called and argued by Robert Gehring appearing for Appellant and by John R. Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022799 CAMUFFO v. LECOMTE, as Trustee, etc., et al.

Cause called and argued by Claudia Y. Shafer appearing for Appellant and by Larry E. Duimstra appearing for Respondents. Cause ordered submitted.

H021916 SANTA CRUZ COUNTY REDEVELOPMENT AGENCY v. GRAGG, et al.; MERCY CHARTIES HOUSING, et al.

Cause called and argued by Ed Frey appearing for Appellants, by Jane M. Scott, Deputy County Counsel, appearing for Respondent Santa Cruz County Redevelopment Agency and by James C. Almeida appearing for Respondent Mercy Charities Housing, et al. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, December 11, 2001 (continued)

H022416 GUARDIAN NORTH BAY, INC. v. SUPERIOR COURT OF SANTA CLARA COUNTY; ARLENE MYERS;

H022417 GUARDIAN NORTH BAY, INC. v. SUPERIOR COURT OF SANTA CLARA COUNTY; JEFFREY SPENCER

H022418 GUARDIA NORTHBAY, INC. v. SUPERIOR COURT OF SANTA CLARA COUNTY; KATHLEEN CASE, et al.

Causes called and argued by Robert Olsen appearing for Petitioner and by Allen Fleishman appearing for Real Parties in Interest. Causes ordered submitted. Court adjourns.

H018367 PEOPLE v. VIGIL, JR.

The two-year term imposed for the Penal Code section 12022.1 on-bail enhancement is hereby ordered stayed. The trial court is ordered to prepare an amended abstract of judgment reflecting this modification and to transmit the amended abstract to the Department of Corrections. The modified judgment is affirmed. (published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed December 11, 2001

WEDNESDAY, DECEMBER 12, 2001

H022744 In re DANIEL P., et al.; SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. JESSICA R.

The orders appealed from are affirmed. (not published) (Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.\*)

Filed December 12, 2001

\*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021627 PEOPLE v. WILLIAMS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed December 12, 2001

Sixth Appellate District

San Jose, California

Wednesday, December 12, 2001 (continued)

H020766 IPT CORPORATION v. TOSOH MEDICS, INC.

The judgment is reversed. The matter is remanded to the trial court for a ruling on the merits of the complaint without granting rescission based on mistake. Costs on appeal are awarded to appellant. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed December 12, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Mihara, J.; and Judy Benitez, Deputy Clerk.

H022645 PEOPLE v. GRANITE STATE INSURANCE COMPANY

Cause called. The teleconference service advises that counsel for appellant, Alan E. Nunez, cannot be located for oral argument by telephone. Harrison D. Taylor, Deputy County Counsel, appears for Respondent and submits the matter without argument. Cause ordered submitted.

H021256 PEOPLE v. STEPHENS

Cause called and argued by Philip M. Brooks appearing for Appellant and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021532 PEOPLE v. ALEXANDER

Cause called and argued by Andrew C. Janecki appearing for Appellant and by Thomas A. Brady, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021653 GOUSKOS, et al. v. APTOS VILLAGE GARAGE, et al.

Cause called and argued by Janice R. Mazur appearing for Appellants and by Sally Ann Williams appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, December 12, 2001 (continued)

H021389 RUGGIERI v. GOODENOUGH, et al.

Cause called and argued by Janice R. Mazur appearing for Appellants and by D. D. Hughmanick appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H021512 PEOPLE v. MICHAEL T.

Cause called and argued by Gary Dubcoff appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021547 COASTAL CYPRESS CORPORATION v. AGHA, et al.

Cause called and argued by Dennis Law appearing for Appellant and by Robert Rosenthal appearing for Respondents. Cause ordered submitted.

H022153 PEOPLE v. PHAN

Cause called and argued by Eric Borgerson appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022993 DFCS v. TRACY J.

Cause called and argued by Tracy J. appearing in propria persona and by Teri Robinson, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H021743 BLUE PACIFIC HOMEOWNER'S ASSOC., et al. v. VIDOVICH, et al.

Cause called and argued by Paul Hogan appearing for Appellants and by William Constantine appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

THURSDAY, DECEMBER 13, 2001

H021820 PEOPLE v. MADEYSKI

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: December 13, 2001

\*Before Mihara, J., Premo, Acting P.J. and Elia, J.

H021363 SWEET v. SWEET

The post-judgment order denying the motion to modify is affirmed. (not published)

(O'Farrell, J.\*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed December 13, 2001

\*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021614 PEOPLE v. SANTOS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed December 13, 2001

FRIDAY, DECEMBER 14, 2001

H021820 PEOPLE v. MADEYSKI

By the Court:

The written opinion which was filed on November 14, 2001 has now been certified for publication in its entirety pursuant to California Rules of Court, rule 976(b), and it is therefore ordered that it be published in the Official Reports. (Mihara, J.; Premo, Acting P.J., Elia, J.)

Dated: December 14, 2001

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Sixth Appellate District  
San Jose, California

Friday, December 14, 2001 (continued)

H023219 PEOPLE v. SANCHEZ

The judgment is affirmed. (not published)  
(O'Farrell, J.\*; We concur: Bamattre-Manoukian, Acting P.J.,  
Wunderlich, J.)

Filed December 14, 2001

\*Judge of the Monterey Superior Court assigned by the Chief  
Justice pursuant to Article VI, Section 6 of the California  
Constitution.

H021056 ALI v. CITY OF MOUNTAIN VIEW

The order is affirmed. (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed December 14, 2001

H021911 ALLIED GROUP INSURANCE v. SCHILCHTER, et al.

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed December 14, 2001

H021192 PEOPLE v. JAIMES

The opinion filed June 22, 2001, is ordered stricken. The  
clerk of this court is directed to refile said opinion forthwith.  
Dated December 14, 2001      Bamattre-Manoukian, Acting P.J.

H021192 PEOPLE v. JAIMES

The judgment is reversed and the matter is remanded for  
resentencing in accordance with this opinion. On remand, the  
court shall not impose a sentence longer than 21 years. After  
resentencing, the trial court shall prepare a new abstract of  
judgment and send a certified copy thereof to the Department of  
Corrections. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Cottle, J.\*,  
Wunderlich, J.)

Filed December 14, 2001

\*Retired Presiding Justice of the Court of Appeal, Sixth  
Appellate District, assigned by the Chief Justice pursuant to  
Article VI, Section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Friday, December 14, 2001 (continued)

H021741 PEOPLE v. CRUM

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed December 14, 2001